

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 20, 2007

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following Board members were present:

John C. Harry, III, Chairman
Janet Fuller
Harry Lewis, Jr.
Douglas Mullins, Jr. (departed at 12:24PM)
Richard Pruitt
Diane Quigley (departed at 1:00PM)
Pat Turner, Jr.

The following Board member was not present: Gina Burgin and Sandra Johnson

DPOR Staff present for all or part of the meeting included:

Jay W. DeBoer, Director
David Ashe, Chief Deputy Director
Karen O'Neal, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Tammie Hall-Jones, Regulatory Board
Administrator
Earlyne Perkins, Legal Analyst
Chris Olson, Administrative Assistant

Elisabeth Peay from the Attorney General's office was present.

Chairman Harry called the meeting to order at 10:05 AM.

Call to Order

A motion was made by Ms. Quigley and seconded by Ms. Lewis to approve the agenda. The motion passed unanimously. Members voting "Yes" were Fuller, Harry, Lewis, Mullins, Pruitt, Quigley, and Turner.

Approval of Agenda

A motion was made by Mr. Mullins and seconded by Ms. Quigley to approve the following minutes: October 31, 2006 Informal Fact-Finding Conferences, November 7, 2006 Informal Fact-Finding Conferences, November 7, 2006 Regulatory Review Committee

Approval of Minutes

Meeting, November 7, 2006, Board Meeting, December 13, 2006, Informal Fact-Finding Conferences, January 22, 2007, Regulatory Review Committee Meeting, and January 22, 2007 Newsletter Committee Meeting. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Lewis, Mullins, Pruitt, Quigley, and Turner.

Alex Uminski, Harry Hoffmann, and Steven Baronian addressed the Board during the Public Comment Period. Mr. Uminksi, Mr. Hoffmann, and Mr. Baronian all raised concerns about online appraisal services. No action was taken by the Board.

Public Comment

Mr. Harry turned the position of Chair over to Mr. Lewis and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2006-02712, Kenneth Gusler**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Gusler, the respondent, and Gregory Waddell, attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.J (Count 1) of the Board’s 2003 regulations. The motion passed unanimously. Members voting “Yes” were Fuller, Lewis, Mullins, Pruitt, Quigley, and Turner.

**File Number 2006-02712,
Kenneth Gusler**

A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.E (Count 2) of the Board’s 2003 regulations. The motion passed unanimously. Members voting “Yes” were Fuller, Lewis, Mullins, Pruitt, Quigley, and Turner.

A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$2,500.00 for the violation contained in Count 1. The motion passed unanimously. Members voting “Yes” were Fuller, Lewis, Mullins, Pruitt, Quigley, and Turner.

A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the

Informal Fact-Finding Conference as amended and impose a monetary penalty of \$2,500.00 for the violation contained in Count 2. In addition, for the violations, Mr. Gusler's license is suspended until he presents evidence acceptable to the Board demonstrating the following:

- Sent a check to his client, Valley Bank, refunding the fee charged for the report, along with a letter explaining the money is being refunded due to the inaccuracies and omissions contained in the report. The letter shall also include a copy of the Board's Final Order. The letter shall be sent by certified mail with a return receipt requested. Mr. Gusler shall provide the Board with a copy of the letter, the enclosures, and the signed certified mail receipt.
- Mr. Gusler shall successfully complete both an entry level residential appraisal class and a commercial appraisal class offered/sponsored by a provider who is a member of the Appraisal Foundation. Each course shall be a minimum of 45-hours of classroom attendance (no online courses), for a total of 90-hours for both courses. Upon successful completion of the courses, Mr. Gusler shall provide the Board with proof of passing the examinations

The motion passed unanimously. Members voting "Yes" were Fuller, Lewis, Mullins, Pruitt, Quigley, and Turner.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Harry did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2007-02740, Rita Trinkle**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Trinkle, the respondent, and Gregory Waddell, attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Turner and seconded by Mr. Mullins to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.J (Count 1) of the Board's 2003 regulations. The motion passed unanimously. Members voting "Yes" were Fuller, Lewis, Mullins, Pruitt, Quigley, and Turner.

File Number 2007-02740,
Rita Trinkle

A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2003 regulations. The motion passed unanimously. Members voting "Yes" were Fuller, Lewis, Mullins, Pruitt, Quigley, and Turner.

A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$2,500.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Fuller, Lewis, Mullins, Pruitt, Quigley, and Turner.

A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference as amended and impose a monetary penalty of \$2,500.00 for the violation contained in Count 2. In addition, for the violations, Ms. Trinkle's license will be placed on probation for a period of 12 months and during such time is to present evidence acceptable to the Board demonstrating the following:

- Sent a check to her client, Valley Bank, refunding the fee charged for the report, along with a letter explaining the money is being refunded due to the inaccuracies and omissions contained in the report. The letter shall also include a copy of the Board's Final Order. The letter shall be sent by certified mail with a return receipt requested. Ms. Trinkle shall provide the Board with a copy of the letter, the enclosures, and the signed certified mail receipt.
- Ms. Trinkle shall successfully complete both an entry level residential appraisal class and a commercial appraisal class offered/sponsored by a provider who is a member of the Appraisal Foundation. Each course shall be a minimum of 45-hours of classroom attendance (no online courses), for a total of 90-hours for both courses. Upon successful completion of the courses, Ms. Trinkle shall provide the Board with proof of passing the examinations
- Ms. Trinkle shall provide, each quarter, to the Board three (3) residential appraisals for the Board's review for a period of 12 months

The motion passed unanimously. Members voting “Yes” were Fuller, Lewis, Mullins, Pruitt, Quigley, and Turner.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Harry did not participate in the discussion or vote related to this matter.

Mr. Harry returned and assumed the position of chair.

The Board recessed from 11:20 AM to 11:30 AM.

In the matter of **File Number 2006-04488, Robert D. Blake**, the Board reviewed the Consent Order as seen and agreed to by Mr. Blake. A motion was made by Ms. Quigley and seconded by Fuller to reject the proposed Consent Order and instead re-offer a Consent Order wherein Mr. Blake admits to a violation of 18 VAC 130-20-180.E (two counts) of the Board’s 2003 Regulations and agrees \$150.00 in Board costs. In addition, Mr. Blake’s license will be suspended for a period of thirty (30) days. If Mr. Blake does not accept the Consent Order within fourteen (14) days the matter will be referred to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Lewis, Mullins, Pruitt, and Quigley.

As the complainant, Mr. Turner did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2006-03590, Peter Vermillion**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board members. Alex Uminski, the complainant, was present and addressed the Board. A motion was made by Mr. Pruitt and seconded by Ms. Fuller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 1) of the Board’s 2003 regulations. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Mullins, Pruitt, and Quigley.

A motion was made by Ms. Fuller and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.E (Count 2) of the Board’s 2003 regulations. The

Transfer of Chair

Break

File Number 2006-04488, Robert D. Blake

File Number 2006-03590, Peter Vermillion

motion passed unanimously. Members voting “Yes” were Fuller, Harry, Mullins, Pruitt, and Quigley.

A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 3) of the Board’s 2003 regulations. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Mullins, Pruitt, and Quigley.

A motion was made by Mr. Pruitt and seconded by Ms. Fuller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.K.1 (Count 4) of the Board’s 2003 regulations. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Mullins, Pruitt, and Quigley.

A motion was made by Mr. Pruitt and seconded by Ms. Fuller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$250.00 for the violation contained in Count 1. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Mullins, Pruitt, and Quigley.

A motion was made by Ms. Fuller and seconded by Mr. Mullins to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$250.00 for the violation contained in Count 2. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Mullins, Pruitt, and Quigley.

A motion was made by Ms. Fuller and seconded by Mr. Mullins to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$250.00 for the violation contained in Count 3. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Mullins, Pruitt, and Quigley.

A motion was made by Ms. Quigley and seconded by Mr. Mullins to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference as amended and impose a monetary penalty of \$300.00 for the violation contained in Count 4. In addition, for the violation, Mr. Vermillion’s license will be placed

on probation until such time that he completes a fifteen (15) hour USPAP course offered by the Appraisal Foundation (no online courses) and provides evidence of satisfactory completion, including proof of passing an examination, within 180 days of the effective date of this Order. Satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for renewal of Mr. Vermillion's license. The motion passed unanimously. Members voting "Yes" were Fuller, Harry, Mullins, Pruitt, and Quigley.

As the reviewing Board members, Mr. Turner and Mr. Lewis did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2006-03845, William Lammey**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board members. A motion was made by Mr. Turner and seconded by Mr. Mullins to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find violations of 18 VAC 130-20-180.D (Count 1), 18 VAC 130-20-180.E (Count 2), and 18 VAC 130-20-180.K.1 (Count 3) of the Board's 2003 regulations. The motion passed unanimously. Members voting "Yes" were Fuller, Harry, Lewis, Mullins, and Turner.

**File Number 2006-03845,
William Lammey**

A motion was made by Mr. Turner and seconded by Ms. Fuller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose license revocation for the violations contained in Counts 1-4. The motion passed unanimously. Members voting "Yes" were Fuller, Harry, Lewis, Mullins, and Turner.

As the reviewing Board members, Mr. Pruitt and Ms. Quigley did not participate in the discussion or votes related to this matter.

The Board discussed the use of Automated Valuation Models to obtain an estimated market value of property. The Board agreed without dissent to have Ms. Peay review the information provided by the Board to determine if further action is necessary.

**Automated Valuation
Models (AVM's)**

Board member Douglas Mullins departed at 12:24 PM.

**Departure of Board
Member**

The Board recessed from 12:30 PM to 12:40 PM.

Break

Karen O'Neal, Deputy Director, gave a brief presentation to the Board concerning Executive Order 36. No action was taken by the Board.

Executive Order 36

Doug Schroeder, Director of Adjudication, presented a resolution to Diane Quigley for her time in preparing and presenting a training program to the Compliance and Investigations Division of the Department. No action was taken by the Board.

Other Business

A motion was made by Mr. Turner and seconded by Ms. Fuller to adopt the following resolution to honor the years of dedicated service by former Board Member Fay Silverman to the Board:

Resolution

RESOLUTION IN HONOR OF

Fay Silverman

WHEREAS, Fay Silverman did faithfully and diligently serve as a member of the Virginia Real Estate Appraiser Board from May, 2002 to August, 2006; and

WHEREAS, Fay Silverman did devote generously of her time, talent and leadership to the Board; and

WHEREAS, Fay Silverman did at all times render decisions with fairness and good judgment so as to promote and preserve the best interests of our citizens and the profession of real estate appraising in Virginia; and

WHEREAS, the Virginia Real Estate Appraiser Board acknowledges its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, this twentieth day of February 2007, that the Virginia Real Estate Appraiser Board expresses utmost regard and respect for Fay Silverman and her professional legacy to this Board; and, so that all may know of the Board's depth of its expression, it is ordered that this resolution be spread upon the official minutes of the Board and that a copy hereof be presented to Fay Silverman.

The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Lewis, Pruitt, Quigley, and Turner.

Board member Diane Quigley departed at 1:00 PM.

Departure of Board Member

Christine Martine discussed the proposed Regulations with the Board. A motion was made by Mr. Lewis and seconded by Mr. Pruitt to adopt the proposed Regulations as amended. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Lewis, Pruitt, and Turner.

Proposed Regulations

Tammy Hall-Jones discussed the Segmented Approach adopted by the Board to transition to the new AQB requirements with the Board. A motion was made by Mr. Pruitt and seconded by Ms. Fuller to adopt a grandfather clause lasting twelve (12) months from January 1, 2008. The motion passed unanimously. Members voting “Yes” were Fuller, Harry, Lewis, Pruitt, and Turner.

Other Business

There being no further business, the meeting adjourned at 1:36 PM.

Adjourn

John C. Harry, III, Chairman

Jay W. DeBoer, Secretary